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Research summary

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Question

Is the National Flagging System (NFS) facilitating the early identification and the proper management of those offenders believed to be at a high risk to reoffend violently and/or sexually?

Background

The NFS is a recent measure adopted by the Canadian government to minimize the risk posed by offenders who demonstrate a pattern of violent and/or sexual crimes. The goal of the policy initiative is to identify offenders who are judged to be potential candidates for a Dangerous Offender (DO) and/or Long Term Offender (LTO) application. A successful DO application to the court results in an indeterminate sentence and a successful LTO application results in a custodial sentence followed by community supervision of up to 10 years. By placing their names on the national police identification system, authorities are alerted to the status of high-risk, violent offenders and steps can be taken to consider a DO/LTO application.

Between 1995 and 1999 (the period of study), over 300 offenders were flagged on the national police system as a "person of special interest". Prior to this study, there has been little evidence as to whether the NFS is effective at identifying and dealing with those offenders judged to be dangerous.

Method

Personal-social and criminal history information was collected for a sample of 256 flagged offenders (FOs). The profile of the FOs was then compared with the profile of a group of 97 offenders known to be high-risk offenders or HROs (the HRO group was comprised of court declared DOs and other offenders who had committed violent crimes). Follow-up criminal records were obtained for the FOs to examine their violent recidivism outcomes (including sexual re-offending). Specific emphasis was placed on investigating the effect of the NFS in prompting the successful application of DO/LTO designations.

Answer

Scores on actuarial risk assessments indicated that both the FOs and HROs were high-risk samples. Furthermore, while the overall rates of recidivism of the FOs were comparable to those found among the general federal male offender population, the new offences committed by the FOs were more serious. The base rates of violent and sexual reconvictions among the released FOs were 43.6% and 14.9%, respectively (compared to approximately 16% and 2% for typical federal male offenders).

With regards to the impact of the NFS on DO/LTO processes, low rates of applications and successful designations were observed. Among the FOs identified by the NFS as high-risk and violent, 22.0% received a DO/LTO application and 18.0% were successfully designated as either a DO or a LTO.

Comparisons between the offenders for whom a DO/LTO application was submitted and those where an application was not made found few differences. For example, the two groups showed no differences on criminal history variables, personal-social demographics, actuarial risk assessments and most indicators of mental health. Thus, it was unclear as to why Crown Attorneys did not proceed with more DO/LTO applications.

Policy implications

Findings from this study suggested that the practical value of the NFS could be improved by targeting the following areas:

1. Specify additional criteria for flagging that reflect what is known about DOs, and ensure that FOs have the attributes typifying DOs (e.g., juvenile criminal history, prior failure on conditional release and Antisocial Personality Disorder [APD]). The criterion, APD, may be especially important to persuade the courts of the unlikelihood of the offender changing his or her behaviour.
2. Educate Crown Attorneys on the extent to which they can benefit from the information NFS coordinators have at their disposal, as it is unclear as to how well they respond to criminal records that identify a person of special interest.
3. Develop a better understanding of the factors that result in successful DO/LTO applications. The DO and LTO provisions of the Criminal Code of Canada stipulate different criteria for eligibility and require a significant amount of resources to prove to the courts the appropriateness of the designations. Addressing the factors that may create obstacles to proceeding with a DO or LTO designation may increase their use with flagged offenders.

Source

- Bonta, J., & Yessine, A. K. (2005). The National Flagging System: Identifying and Responding to High-Risk, Violent Offenders. (User Report 2005-04). Ottawa: Public Safety Canada.

For further information

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